**Before the**
**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, DC 20554**

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| In the Matter of | ) | |
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| Revitalization of the AM Radio Service | ) | MB Docket No. 13-249 |
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To: The Commission

**COMMENTS OF CUMULUS MEDIA INC.**

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Summary

As demonstrated herein, the Commission's proposals in the *Second Further Notice of Proposed Rulemaking*, FCC 18-139 (rel. October 5, 2018), which are a further effort on the part of the Commission to help revitalize the AM service would not serve the public interest and, for the reasons stated herein, should not be adopted.

As a threshold matter, the Commission's proposals to reduce the protections afforded to Class A AM stations, many of which serve as National Public Warning System ("NPWS") stations, would result in substantial reductions in the protected service contours of those stations, including their nighttime skywave contours. The reduction in those contours would substantially impair the ability of the Federal Emergency Management Agency ("FEMA") to implement the Integrated Public Alert and Warning System Modernization Act of 2015 (the "IPAWS Modernization Act"), pursuant to which FEMA has expended millions of dollars in federal funds over the past decade upgrading over two dozen NPWS stations.

FEMA's efforts to continue to implement the IPAWS Modernization Act would be substantially impaired if not rendered completely ineffective if the Commission's proposals to reduce the protections to Class A AM stations were adopted. As shown herein, FEMA no longer would be able to fulfill its statutory obligations, which include ensuring that United States citizens would be able to receive, under all conditions, a message from the President during a national emergency.

As a result of FEMA's inability to implement the IPAWS Modernization Act and its statutory obligations thereunder, any Commission action adopting its proposals would frustrate Congress' intent in enacting that important statutory legislation. Indeed, due to the significant impact that the Commission's proposals would have on the implementation of the IPAWS

Modernization Act, which falls entirely within the regulatory jurisdiction of another federal agency, the Commission should refrain from impeding FEMA's ability to implement that federal statute which serves important public interest objectives.

The proposed reduction in protections to Class A AM stations also raises additional public safety concerns. Due to the substantial reduction in the nighttime skywave contours of Class A AM stations, many of which are NPWS stations, there is a strong likelihood that stations down the line in state EAS plans no longer would be able to receive a signal from their assigned monitoring station. As a result, those stations would become isolated during a national security, catastrophic event or other emergency, which would have a substantial and harmful effect on the operation of state EAS plans.

Furthermore, the reduced protections proposed by the Commission would essentially eliminate the coverage that Cumulus' Class A AM stations currently provide to rural and Tribal lands. The Commission previously has acknowledged that there is a significant gap with respect to the availability of broadband between persons living in urban areas, and those who reside either in rural areas or on Tribal lands. The ability of Class A AM stations to extend their signal to rural and Tribal areas therefore becomes even more critical given the enormous digital divide that continues to exist between urban dwellers and those who reside in rural and Tribal areas. Indeed, if the Commission's proposals were adopted, unlike the 97.9% of Americans who live in urban areas and thereby have immediate access to broadband 24 hours per day, the Commission's action would effectively sever the ability of those persons living in rural and Tribal areas to receive news, weather, informational programming, and emergency-related warnings in a timely manner.

As shown herein, Cumulus' Class A AM stations provide a variety of news, weather, informational programming, and emergency-related alerts that serve important public interest objectives. Indeed, the high quality of service provided by Cumulus' Class A AM stations to their respective regions exemplifies the type of service the Commission has always envisioned that Class A stations should provide across wide regions of the country, including to many rural areas and Tribal lands.

For all of these reasons, the proposals to reduce protections to Class A AM stations would not serve the public interest and, therefore, should not be adopted.

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## COMMENTS OF CUMULUS MEDIA INC.

Cumulus Media Inc. ("Cumulus") hereby submits these comments ("Comments") in response to the *Second Further Notice of Proposed Rulemaking*, FCC 18-139 (rel. October 5, 2018) ("*SFNPRM*"), in the above-captioned proceeding. Cumulus, through a series of indirect, wholly-owned subsidiaries, owns and operates seven (7) Class A AM stations in six radio markets around the country. Each station has served its respective community for over ninety (90) years and provided nighttime service to areas that extend far beyond its immediate community of license to cover many states. In support of these Comments, the following is stated:

### I. Introduction.

Cumulus is a signatory to the comments filed in this proceeding by the AM Radio Preservation Alliance (the "Alliance") and fully supports the legal and technical arguments contained in each of those submissions.[1] The purpose of these Comments is to supplement the Alliance *FNPRM* Comments, the Alliance Reply Comments, as well as those comments filed by

[1] *See* Comments of the AM Radio Preservation Alliance on Further Notice of Proposed Rule Making, filed March 21, 2016 (the "Alliance *FNPRM* Comments"); Reply Comments of the AM Radio Preservation Alliance on Further Notice of Proposed Rule Making, filed April 18, 2016 (the "Alliance Reply Comments").

the Alliance contemporaneously herewith in response to the *SFNPRM* (the "Alliance *SFNPRM* Comments"). As demonstrated herein, the Commission's proposals to reduce the protections to Class A AM stations would frustrate Congressional intent in adopting the Integrated Public Alert and Warning System Modernization Act of 2015 (the "IPAWS Modernization Act").[2] Pursuant to the IPAWS Modernization Act, the Federal Emergency Management Agency ("FEMA") has responsibility for implementing the public alert and warning system to disseminate timely and effective warnings, which include consulting and coordinating with the FCC, appropriate private entities, and federal, state, tribal, and local governmental authorities. FEMA also is responsible for establishing or adopting common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system.[3] FEMA has undertaken significant efforts to ensure that the National Public Warning System ("NPWS") stations[4] will be able to continue to broadcast if the power grid and the country's broadband infrastructure become inoperable. Indeed, FEMA has expended millions of dollars in federal funds over the past decade upgrading more than two dozen NPWS stations. The Commission's proposals to reduce

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[2] *See* Pub. L. No. 114-143, 130 Stat. 327, 329-32 (2016).

[3] *See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, Report and Order and Further Notice of Proposed Rulemaking, 33 FCC Rcd 7086, 7104 (2018) ("EAS *R&O* and *FNPRM*").

[4] The National Public Warning System (NPWS) stations, previously known as Primary Entry Point ("PEP") stations, are private or commercial radio stations that voluntarily participate with FEMA, an agency within the U.S. Department of Homeland Security, to provide emergency alert and warning information to the public before, during and after incidents and disasters. The FEMA NPWS stations also serve as the primary source of initial broadcasts for a national alert. NPWS stations are equipped with backup communications equipment and power generators designed to enable them to continue broadcasting information to the public during and after an emergency or other catastrophic event. The Integrated Public Alert and Warning System ("IPAWS") Program Management Office ("PMO") expanded the nation to directly cover over 90% of the U.S. population. The expansion of the NPWS stations will help to ensure that the President of the United States will be able to alert and warn the public under all conditions. *See* https://www.fema.gov/national-public-warning-system/ (last updated January 29, 2019).

the protection afforded to Class A AM stations would result in vast areas of interference and thereby substantially impair the ability of those NPWS stations in which FEMA has invested substantial federal funds to relay their signals as contemplated by the IPAWS Modernization Act. Therefore, the Commission's proposals to reduce the protections currently afforded to Class A AM stations should not be adopted.

Further, Cumulus desires to demonstrate the outstanding service provided by its Class A AM stations and the significant adverse impact that the Commission's proposals to reduce the protection requirements currently afforded to Class A AM stations, as proposed in the *SFNPRM*, would have on hundreds of millions of people across America, including many in sparsely-populated rural areas and Native American tribal lands, if those proposals were adopted. Accordingly, set forth herein is a brief overview of each Cumulus Class A AM station, which includes (i) a brief summary of each station's nighttime coverage, (ii) the emergency alert capabilities of each station, (iii) a variety of elements concerning the station's programming, including its coverage of news, weather, sports, any special cultural programming provided by the station, and significant fundraising events engaged in by the station; and (iv) any significant awards received by the station.

## II. Reducing Protections to Class A AM Stations Would Frustrate Congressional Intent in Adopting the Integrated Public Alert and Warning System Modernization Act of 2015, and Raise Significant Public Safety Concerns.

In the *SFNPRM*, the Commission requested comment on its proposals to reduce the protections to Class A AM stations with respect to its impact on the "functioning of the EAS and IPAWS systems," and acknowledged the comments FEMA previously submitted in this

proceeding in which FEMA had stated that the Commission's proposal would "diminish the reach of EAS alerts" from Class A AM stations.[5] *SFNPRM* at ¶14.

The IPAWS Modernization Act, which was enacted in 2016, requires FEMA to conduct nationwide tests designed to help ensure that under all conditions the President, federal agencies, and state, local and tribal governments can alert and warn civilians in areas endangered by natural disasters, acts of terrorism, other man-made disasters and threats to public safety.

Section (c) of the IPAWS Modernization Act provides that the public alert and warning system shall be designed, to the extent feasible:

> (A) to provide alerts to the *largest portion of the affected population feasible*, including . . . individuals with limited-English proficiency; and
> (B) to *improve the ability of remote areas to receive alerts*;
> . . .
> (5) *provide redundant alert mechanisms where practicable so as to reach the greatest number of people*; . . . .

6 U.S.C. §321o(c)(A) and (B) (emphasis added). As reflected above, in enacting the IPAWS Modernization Act, Congress directed FEMA, in implementing the public alert and warning system, "to provide alerts to the largest portion of the affected population feasible," and "improve the ability of remote areas to receive alerts."[6] Congress also directed FEMA to "provide redundant alert mechanisms where practicable so as to reach the greatest number of people . . .." *Id*. at (B)(5).

FEMA has expended millions of dollars in federal funds over the past decade upgrading more than two dozen NPWS stations. In doing so, FEMA has made significant efforts to ensure that, consistent with its statutory obligations under the IPAWS Modernization Act, the NPWS

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[5] *See* Comments of the Federal Emergency Management Agency, Integrated Public Alert and Warning System, Program Management Office, dated June 8, 2016 ("FEMA *FNPRM* Comments").

[6] 6 U.S.C. § 321o(c)(A) and (B).

stations have redundant transmission facilities and will be available for use in the event the power grid and the country's broadband infrastructure should become inoperable in the event of an emergency. The equipment and other items that FEMA has provided to Class A AM stations which serve as NPWS stations include an 8-foot x 20-foot transportable studio facility, which contains audio mixing and processing capabilities, a transmitter, and associated monitoring equipment. The studio is equipped with facilities sufficient for a two-person staff, a rest area, an "incinerator toilet," a 60-day supply of food and water, bunks, and an air filtration system.[7] Satellite and fiber optic communications systems are deployed as well as a backup transmitter generator. As stated above, the purpose in FEMA providing this equipment is to enable the various NPWS (formerly PEP) stations to continue broadcast operations not only in the event of a natural disaster, but in case of events such as a radiological, biological, or electromagnetic pulse occurrences as well.[8]

FEMA anticipates spending approximately $1.5 million on each of the NPWS stations that it upgrades. As of November 2018, approximately 25 of the 77 NPWS stations remained to be upgraded. *Id*. According to its current budget, FEMA anticipates spending over $11.6 million to upgrade the NPWS stations during fiscal year 2019 in fulfilling its obligations under the IPAWS Modernization Act.[9]

The importance of the extensive skywave contours of those Class A AM stations which serve as NPWS stations was previously demonstrated to the Commission in FEMA's *FNPRM*

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[7] *See* http://www.insideradio.com/free/fema-approves-siriusxm-channels-as-eas-source; https://www.radioworld.com/news-and-business/wlw-pep-station-to-test.

[8] *See* http://www.insideradio.com/free/fema-approves-siriusxm-channels-as-eas-source.

[9] Department of Homeland Security, Federal Emergency Management Agency, Budget Overview, Fiscal Year 2019, Congressional Justification at 118.

Comments. FEMA emphasized that an actual alert likely would need to be made only under the most severe circumstances when broadcast networks and other means of "widespread communication may not be available to the President."[10] FEMA recently filed comments in response to the Commission's SFNPRM in which it stated:

> The changes being considered by the FCC in the (SFNPRM) to the interference protections of Class A AM stations, *particularly to the protections for the Class A AM stations' nighttime and critical hours operations, would decimate the system developed and funded by FEMA, under the mandate of Congress, for a robust communications-distribution network so that citizens of the United States will receive, under all conditions, a Presidential message in time of national emergency*. The United States government has invested, and will continue to invest, millions of dollars in this communications-distribution network, which is reliant on skywave signal coverage by Class A AM stations.

FEMA Comments at 1 (emphasis added).[11] FEMA further stated that the only means by which it can fulfill its statutory duty to ensure that a message from the President is delivered to Americans during the overnight hours is through the cooperative use of Class A AM stations through the Primary Entry Point ("PEP") program.[12] *Id*. at 1.

FEMA explained that thirty (30) broadcast stations in the continental United States originally were selected and approached to join the PEP program with an additional seven (7) stations outside the continental U.S.[13] Through their participation in the FEMA PEP program, broadcast stations were provided with shelters, backup generators, a 30-day fuel supply, lightning and surge protection, and communications equipment at their respective transmitter

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[10] FEMA *FNPRM* Comments at 2.

[11] Comments of the Federal Emergency Management Agency, filed January 29, 2019 ("FEMA Comments").

[12] As stated above, although "PEP" stations are now referred to as National Public Warning System ("NPWS") stations (*see* https://www.fema.gov/national-public-warning-system/ (last updated January 29, 2019), FEMA refers to the stations throughout its Comments as "PEP" stations.

[13] FEMA Comments at 3.

sites. *Id*. FEMA has continued to maintain and improve the backup facilities at those legacy sites, and recently has added additional PEP facilities to the program, bringing the total number of PEP facilities to 77, which collectively has enabled the PEP facilities to cover 90% of the U.S. population during the daytime hours. *Id*. Nighttime coverage has been provided primarily by the 25 Class A AM stations in the PEP program, which has ensured service to over 95% of the U.S. population. *Id*.

FEMA further states that it has:

> . . . spent millions of dollars bolstering the emergency operations of PEP stations by providing long-term backup power, protected redundant transmission, High Altitude Electromagnetic Pulse (HEMP) protection and program origination facilities to PEP stations, with a focus on Class A AM stations.

FEMA Comments at 2. As noted in its Comments, FEMA currently is in the process of installing second generation HEMP-protected backup facilities at the legacy PEP stations, each of which have chemical and biological agent protection in accordance with the All-Hazards PEP performance requirements. Eleven of the 25 Class A AM stations in the PEP program currently have been equipped with either first or second generation HEMP-protected backup facilities. *Id.* at 3. In addition to its current ongoing installation at station WLS in Chicago (a Cumulus Class A AM facility), FEMA anticipates completing the installation of second generation HEMP-protected backup facilities at two other Class A AM facilities in 2019. FEMA will continue to install HEMP-protected backup facilities at all PEP stations in fulfilling its Congressionally-mandated obligations as federal funds are made available. *Id*.

The Commission's proposals in the *SFNPRM* to reduce the protections currently afforded to Class A AM stations would significantly reduce the service contours of Class A AM stations

both during the day and at night.[14] The table below demonstrates the substantial impact that the Commission's proposals would have in terms of loss in population coverage with respect to Cumulus' Class A AM stations – five (5) of which serve as NPWS stations[15] – if the Commission were to reduce the existing protections to co-channel Class A AM stations at night:[16]

| Class A AM Station | City of License | Total Population Loss | Percentage of Population Loss |
|---|---|---|---|
| WABC | New York, NY | 63,745,287 | 69% |
| WJR | Detroit, MI | 108,910,801 | 86% |
| WLS | Chicago, IL | 82,701,790 | 84% |
| KAAY | Little Rock, AR | 32,196,053 | 97% |
| WBAP | Ft. Worth, TX | 52,506,698 | 79% |
| KGO | San Francisco, CA | 36,617,819 | 72% |
| KNBR | San Francisco, CA | 39,428,484 | 72% |

As demonstrated above, FEMA's concerns are well founded with respect to the Commission's proposals "decimat[ing] the system developed and funded by FEMA," for

[14] In the *SFNPRM*, the Commission proposed the following two alternative proposals which would further reduce the existing co-channel protections for Class A AM stations at night:

> *Alternative 1*: During the nighttime hours, no overlap between a Class A AM station's 0.5 mV/m nighttime groundwave contour and any interfering AM station's 0.025 mV/m 10% skywave contour (calculated using the single station method); or
>
> *Alternative 2*: During the nighttime hours, Class A AM stations are protected from other AM stations in the same manner as Class B AM stations are protected, that is, interference may not be increased above the greater of the 0.5 mV/m nighttime groundwave contour or the 50 percent exclusion RSS NIF level (calculated using the multiple station method).

*SFNPRM* at ¶12.

[15] Stations KGO and KNBR in San Francisco are the only Cumulus Class A AM stations which are not NPWS stations.

[16] The data contained in the table has been taken from Appendix A annexed hereto, which was prepared by a Washington, DC area consulting engineering firm that requested not to be identified herein. The figures in the table represent the difference between the respective Class A AM station's nighttime 0.5 mV/m 50 percent skywave contour and its 0.5 mV/m groundwave contour.

purposes of establishing a "robust communications-distribution network" so that U.S. citizens "will receive under all conditions, a Presidential message in time of [a] national emergency."[17] Based on Cumulus' Class A AM stations alone, if the Commission's proposals to reduce protections to Class A AM stations at night were adopted, there would be a loss in population coverage to over 416.1 million persons and an average percentage loss per station of 80%.

The extensive reach of the nighttime skywave contours of Class A AM stations remains a critical component of FEMA's ability to implement its statutory obligations under the IPAWS Modernization Act. As stated above, the IPAWS Modernization Act was specifically designed, at least in part, to (i) "provide alerts to the largest portion of the affected population feasible," (ii) "improve the ability of remote areas to receive alerts," and (iii) "provide redundant alert mechanisms where practicable so as to reach the greatest number of people . . .."[18] The Commission has expressly acknowledged that FEMA is responsible for implementing the public alert and warning system required by the IPAWS Modernization Act.[19] If the Commission's proposals to reduce the protections afforded to Class A AM stations were adopted, the Commission's action would frustrate FEMA's continued ability to implement the IPAWS Modernization Act, as well as Congress' intent in enacting that important legislation. As

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[17] FEMA Comments at 1.

[18] 6 U.S.C. § 321o(c)(A) and (B).

[19] *See* EAS *R&O and NPRM*, 33 FCC Rcd 7086, in which the Commission stated:

> We note that the Integrated Public Alert and Warning System (IPAWS) Modernization Act of 2015 places FEMA in the position of implementing the public alert and warning system to disseminate timely and effective warnings, including by consulting and coordinating with the FCC; coordinating with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities; and establishing or adopting, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system.

*Id*. at 7104, *citing*, 6 U.S.C. § 321o.

demonstrated above, the reduced protections to Class A AM stations would significantly impair the ability of those NPWS stations to continue to extend their nighttime skywave signals to provide alerts to the largest population feasible, including to significant remote areas which currently are capable of receiving those alerts and warning signals.

Further, because the Commission's proposals would result in interference to the hundreds of millions of people in areas now capable of receiving the nighttime skywave signals of Class A AM stations, the Commission's action would largely negate the efforts that both Congress and FEMA have already expended pursuant to Section (c)(B)(5) of the IPAWS Modernization Act. Despite the redundant alert mechanisms that FEMA has provided to NPWS stations, those Class A AM stations now would have their nighttime skywave contours substantially reduced. As demonstrated above, in the case of Cumulus' station KAAY(AM), Little Rock, Arkansas, its nighttime skywave contour would be reduced 97% in terms of population coverage.[20] Moreover, any further effort by FEMA to implement Section (c)(B)(5) of the IPAWS Modernization Act would be rendered essentially ineffective. Indeed, due to the substantial interference that would result to Class A AM stations' nighttime skywave contours – e.g., over 108.9 million people in the case of WJR(AM), Detroit, MI; over 82.7 million people in the case of WLS(AM), Chicago, IL, and over 63.7 million people in the case of WABC(AM), New York, NY – FEMA effectively would be stripped of its ability to provide "redundant alert mechanisms . . . so as to reach the greatest number of people . . . ."[21] Those Class A AM stations, each of which serves as a NPWS station, no longer would be capable of providing nighttime skywave service to a minimum of

[20] *See* Table at page 8, *supra*.

[21] 6 U.S.C. § 321o(c)(B)(5).

over 92.8 million people who now are able to receive that service.[22] Thus, as demonstrated in FEMA's Comments, NPWS stations no longer would be able to effectively relay Presidential messages.[23]

FEMA also clarified the critical role that nighttime skywave contours of Class A AM stations have in state EAS plans. To fully comprehend the potential impact of the Commission's proposals in the *SFNPRM*, FEMA explained that it is necessary to understand the nature of state EAS plans which are dependent upon the reliable propagation of EAS messages within each state, while at the same time ensuring that each EAS participant is able to receive a national-level EAS message from two PEP sources on a 24-hour basis.[24] EAS participant facilities typically are located in commercial areas that are subject to high levels of "noise" generated from a variety of local sources. As a result, state EAS plans generally require a PEP source to be relayed through multiple hops to distant EAS participants in an effort to achieve the most successful reception. *Id*. at 4.

FEMA expressed concern, however, that the Commission's proposal to reduce protections to Class A AM stations will have a negative impact on state EAS plans, and, specifically, the ability to reach distant stations in the event of an emergency:

> FEMA is concerned that the Commission's SFNPRM Class A AM interference-protection proposals, including alternatives, will have a negative effect on the PEP system's ability to provide direct groundwave and/or skywave service from surviving PEP stations to the entire country during times of grave national security concerns or following a catastrophic event which interrupts power and terrestrial communications on a very large scale. Should that national security or

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[22] *See* Appendix A hereto.

[23] *See* FEMA Comments at 1 ("The changes being considered by the FCC in the (SFNPRM) to the interference protections of Class A AM stations . . . *would decimate the system* developed, and funded, by FEMA . . . so that citizens of the United States will receive, under all conditions, a Presidential message in time of [a] national emergency.") (emphasis added).

[24] FEMA Comments at 4.

> catastrophic event result in a breakdown of a State EAS Plan's monitoring chain, EAS Participants may become isolated from their sources of a national EAS message.

FEMA Comments at 4-5.

FEMA's concerns underscore the fact that the Commission's proposals to reduce the protections currently afforded to Class A AM stations raise significant public safety concerns. As demonstrated above, if the Commission's proposals were adopted there would be a substantial reduction in the service contours of Class A AM stations, many of which serve as NPWS (formerly PEP) stations, including their nighttime skywave contours. As a result, there is a substantial likelihood that stations down the line in a state EAS plan would not be able to receive a signal from their monitoring stations, and therefore will become isolated during a national security, catastrophic event or other emergency. Therefore, because there is a strong likelihood that the Commission's proposals would have a substantial and harmful effect upon the operation of state EAS plans, they raise significant public safety issues that would affect the entire country. Accordingly, the proposals to reduce the protections afforded to Class A AM stations should not be adopted.

## III. The Commission's Proposals to Reduce the Protections Currently Afforded to Class A AM Stations Would Have a Significant Adverse Effect on AM Service Provided to Rural Areas and Native Americans.

As demonstrated herein, the Commission's proposals, if adopted, would also have a substantial adverse effect on the ability of Class A AM stations to continue to provide service to both rural areas and Native Americans. As shown below, if the Commission were to reduce the existing protections to Class A AM stations at night, there would be a significant loss in the

coverage that Cumulus' Class A AM stations currently provide to rural areas:[25]

| Class A AM Station | City of License | Total Population in Rural Areas | Total Population Loss in Rural Areas | Percentage of Population Loss in Rural Areas |
|---|---|---|---|---|
| WABC | New York, NY | 16,793,142 | 15,503,131 | 92% |
| WJR | Detroit, MI | 28,569,715 | 25,028,602 | 88% |
| WLS | Chicago, IL | 27,283,319 | 25,571,717 | 94% |
| KAAY | Little Rock, AR | 9,617,888 | 9,247,574 | 96% |
| WBAP | Ft. Worth, TX | 16,282,925 | 13,747,807 | 84% |
| KGO | San Francisco, CA | 3,665,296 | 2,704,667 | 74% |
| KNBR | San Francisco, CA | 3,438,313 | 2,313,015 | 67% |

As reflected above, due to the substantial impact that the Commission's proposals to reduce the protections to Class A AM stations would have on nighttime skywave contours, the total population loss in rural areas for each of WJR and WLS alone would exceed 25 million persons. On a collective basis, there would be a total population loss in rural areas of over 94.1 million people, which amounts to an average percentage loss of 85% per station.

The data are even worse in the case of Native Americans, especially those living in Tribal areas. The table below demonstrates the substantial coverage losses that would result to Cumulus' Class A AM stations' nighttime skywave service if the Commission's proposals to reduce the protection afforded to Class A AM stations were adopted in this proceeding:[26]

[25] The data contained in the table below has been taken from Appendix A annexed hereto, which was prepared by a Washington, DC area consulting engineering firm. The figures in the table represent the difference between the respective Class A AM station's nighttime 0.5 mV/m 50 percent skywave contour and its 0.5 mV/m groundwave contour. As stated above, stations KGO and KNBR in San Francisco are the only Cumulus Class A AM stations which are not NPWS stations.

[26] The data contained in the table has been taken from Appendix B annexed hereto, which also was prepared by a Washington, DC area consulting engineering firm. The figures in the table represent the difference between the respective Class A AM station's nighttime 0.5 mV/m 50 percent skywave contour and its 0.5 mV/m groundwave contour.

| Class A AM Station | Total Native American Population Loss | Native American Population Loss on Tribal Lands | Percentage of Population Loss (All Native Americans) | Percentage of Population Loss on Tribal Lands |
|---|---|---|---|---|
| WABC | 242,938 | 7,439 | 82% | 99% |
| WJR | 353,635 | 22,912 | 88% | 99% |
| WLS | 429,597 | 34,045 | 93% | 100% |
| KAAY | 344,941 | 30,100 | 99% | 100% |
| WBAP | 512,460 | 48,707 | 74% | 100% |
| KGO | 232,271 | 32,748 | 78% | 98% |
| KNBR | 301,681 | 56,838 | 81% | 99% |

As reflected above, due to the substantial reduction in the nighttime skywave contours of Class A AM stations that would result from the Commission's proposals, there would be over 2.5 million Native Americans who would lose service from Cumulus' Class A AM stations alone. There also would be a loss of Class A AM nighttime skywave service to a total of 232,789 Native Americans who currently reside on Tribal lands.[27]

In view of the substantial reduction in the nighttime skywave contours of Class A AM stations that would result from the Commission's proposals to reduce the protections currently afforded to those stations, the Commission must be cognizant of the fact that its proposals would serve only to further compound the enormous digital divide that currently exists in this country between persons living in urban areas and those who reside in rural and Tribal areas. In its 2018 Broadband Deployment Report, the Commission found that there are over 24 million Americans without access to broadband.[28] Specifically, with respect to fixed 25 Mbps/3 Mbps and 10

[27] *See* Exhibit B annexed hereto. As reflected above, on a per station basis the average percentage loss of population coverage with respect to all Native Americans that would be suffered by the Cumulus Class A AM stations would be 85%. The average percentage loss of coverage to those Native Americans living on Tribal lands would be 99%.

[28] *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2018 Broadband Deployment Report, 33 FCC 1660, 1681 (2018) ("*Broadband Report*").

Mbps/3 Mbps LTE, there are approximately 44 million Americans who lack access to both of those services. *Id*. at 1684. The Commission also found that there are *a total of 66.1% of Americans living in rural and Tribal areas* – as compared to only 2.1 % of Americans living in urban areas – who still lack access to fixed 25 Mbps/3 Mbps broadband. *Id*. at 1681.

In a dissenting statement to the *Broadband Report*, Commissioner Rosenworcel stated:

> There are 19 million Americans in rural areas who lack the ability to access high-speed services at home. There are 12 million school-aged children who are falling into the Homework Gap because they do not have the broadband at home they need for nightly schoolwork.

*Id*. at 1748.[29]

The gap between urban areas and rural and Tribal America continues to remain significant: 30.7% of Americans in rural areas and 35.4% of Americans in Tribal lands lack access to fixed terrestrial 25 Mbps/3 Mbps broadband. *Id.* at 1681. Former Commissioner Clyburn also provided a dissenting statement to the *Broadband Report*. She noted that the data contained in the *Report* establishes that there are tens of millions of Americans who lack access to broadband, which puts them at a severe disadvantage when it comes to affording them a robust opportunity "in education, healthcare, government services, and civic participation." *Id*. at 1741.

The ability of Class A AM stations to extend their signal to rural and Tribal areas becomes even more critical given the enormous digital divide that continues to exist between urban dwellers and those who reside in rural areas and Tribal lands. As demonstrated above, unlike the 97.9% of Americans who reside in an urban environment and have ready access to

[29] EducationSuperHighway estimated that over 2,000 schools are still in need of access to fiber in order to meet connectivity goals. Over 75% of those schools that lack access to fiber infrastructure necessary to meet short-term goals are located in rural areas or small towns. When those school districts sought fiber services in 2016, nearly half of them failed to receive any bids from service providers. *See Id*. at 1698.

broadband, those 30.7% of Americans who reside in rural areas and another 35.4% who reside in Tribal lands lack access to fixed terrestrial 25 Mbps/3 Mbps broadband.[30] Thus, for those 66.1% of Americans who collectively reside in rural and Tribal areas, Class A AM service is the only means by which many of those persons are able to receive news, weather, and informational programming that urban dwellers can readily access via the Internet or from other sources 24 hours per day. If the Commission's proposals to reduce the protections currently afforded to Class A AM stations were adopted in this proceeding, the Commission's action would go further toward disengaging those Americans who reside in rural and Tribal areas and place them at even a greater disadvantage with respect to obtaining "education, healthcare, government services, and civic participation."[31] Indeed, as demonstrated above, by substantially reducing the reach of the service contours of Class A AM stations, including their nighttime skywave contours, those stations no longer would be able to provide service to rural and Tribal areas. As a result, unlike the 97.9% of Americans who live in urban areas and thereby have immediate access to broadband, the Commission would effectively sever the ability of those persons living in rural and Tribal areas to receive news, weather, informational programming, and emergency-related warnings in a timely manner. For this reason alone, the Commission's proposals should not be adopted.

## IV. Overview of Class A AM Stations.

Set forth below is a brief overview of each Cumulus Class A AM station, which includes, where applicable, the public safety and emergency alert capabilities of each station.

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[30] *Broadband Report*, 33 FCC Rcd at 1681.

[31] *See Broadband Report*, 33 FCC Rcd at 1741 (dissenting statement of former Commissioner Clyburn).

**WBAP(AM), Fort Worth, Texas.** Station WBAP was issued its first license by the FCC on May 2, 1922 and has continued to operate with its original call sign since that time.[32] WBAP's nighttime signal is available to over 66.5 million persons across all or portions of 16 states,[33] encompassing many sparsely-populated areas and Native American tribal areas.[34]

WBAP has been designated as an LP-1 station for purposes of the Emergency Alert System ("EAS"), and serves as a NPWS station for northern Texas and thereby houses FEMA-supplied equipment to remain on the air in the event of an emergency. FEMA is preparing to construct studios at WBAP's transmitter site as an offline backup to the station's studios in downtown Dallas.

WBAP's management staff played a major role in creating the local AMBER Alert System following the brutal abduction and murder of Amber Hagerman in 1996.[35] After the AMBER Alert System was established, station representatives served on a committee which developed the Texas statewide AMBER Plan. WBAP currently is responsible for activating the North Texas EAS during severe weather and AMBER Alerts during child abductions in North Texas.

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[32] The FCC's CDBS Station Search does not reflect that any other call signs have ever been associated with WBAP or any other Cumulus Class A AM station.

[33] There are 66,519,709 persons within WBAP's nighttime 0.5 mV/m 50 percent skywave contour which covers all or a portion of the following states: Alabama, Arkansas, Arizona, Colorado, Iowa, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, and a large portion of Mexico. *See* Appendix A annexed hereto.

[34] WBAP covers over 16.2 million persons in rural areas. Appendix A hereto. WBAP also covers 690,178 Native Americans, including 48,707 on Tribal lands. Appendix B hereto.

[35] Local community reaction to the brutal kidnapping and subsequent death of 9-year-old Amber Hagerman of Arlington, Texas prompted local media and law enforcement officials to establish the nation's first AMBER alert program in the Dallas/Ft. Worth, Texas area. In memory of her death, the letters of Ms. Hagerman's name are reflected in the title of the program, America's Missing Broadcast Emergency Response (AMBER).

WBAP's EAS unit monitors a feed on a constant, full-time basis from the Texas Department of Public Safety in Austin, Texas for statewide emergencies. The station's meteorologist and engineering personnel work with the local National Oceanic and Atmospheric Administration ("NOAA") office to resolve any NOAA reception and EAS-related issues that may arise. WBAP also works with the Texas Broadcasters Association to resolve any issues that develop with other stations that have problems receiving WBAP's EAS alerts.

WBAP is a news station with a dedicated news staff of 16 full-time and part-time employees. In addition to its coverage of routine news and weather, the station covers major breaking news stories and has reporters on the scene of those events, including events such as the July 7, 2016 police ambush in Dallas in which five (5) police officers were killed. WBAP's news teams also worked closely with the Texas Health Presbyterian Hospital and the Dallas County Health Department in 2014 when the first case of the Ebola Virus was diagnosed in the United States.

WBAP also provides comprehensive coverage of severe weather in the north Texas region. In addition to employing a full-time meteorologist, reporters also cover severe weather, such as tornadoes, floods and ice storms. As part of its effort to serve the Dallas/Ft. Worth Metroplex, each year WBAP hosts "WeatherCon," a free event designed to educate listeners and residents about the weather in Texas. The event features educational sessions hosted by noted Texas meteorologists that include advice regarding the need to take necessary precautions to remain safe in inclement weather.

WBAP also serves a variety of other needs and interests of its listening audience. Specifically, WBAP serves as the flagship station for Texas Christian University (TCU) football. In addition, each year WBAP conducts "Christmas for Caring," a radiothon that raises gifts and

funds to support the residents of the Denton State Supported Living Center, for which the station has raised over $300,000 in the last two years. WBAP also works with the Tarrant County Food Bank each year during the holiday period to raise donations and food for those in need.

The excellent service that WBAP has provided to the north Texas area is reflected in the number of awards the station has received. Over the past several years, WBAP has received numerous awards from the Texas Association of Broadcasters, the Dallas Press Club, the National Association of Broadcasters, and Edward R. Murrow Awards from the Radio – Television News Directors Association.

**WJR(AM), Detroit, Michigan.** Station WJR was issued its first license by the FCC on May 4, 1922 and has continued to operate with its original call sign.

WJR's nighttime signal is available to over 126.5 million persons across all or portions of 22 states,[36] encompassing many sparsely-populated areas and Native American tribal areas.[37] WJR is an LP-1 and NPWS station which houses FEMA-supplied equipment to remain on the air in the event of an emergency. WJR forwards NOAA alerts to other radio stations and works with the Michigan State Broadcasters Association to create the EAS test schedules for WJR's region.

WJR is a news/talk station with a news staff consisting of three (3) full-time and three (3) part-time anchors/reporters. WJR produces local news twice each hour, seven (7) days per week

[36] There are 126,598,226 persons within WJR's nighttime 0.5 mV/m 50 percent skywave contour which covers all or a portion of the following states: Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, D.C., West Virginia, Wisconsin, and portions of Canada. *See* Appendix A annexed hereto.

[37] WJR covers over 28.5 million persons in rural areas with its nighttime 0.5 mV/m 50 percent skywave contour. Appendix A hereto. WJR also covers 402,174 Native Americans with its nighttime 0.5 mV/m 50 percent skywave contour, including 23,256 on Tribal lands. Appendix B hereto.

from 5:00 a.m. – 7:00 p.m. The station's news production is enhanced by its ability to access both the audio and video from the ABC and NBC network television affiliates in the Detroit market. The station also accesses digital news assets from Mlive.com, the largest online news service in the state.

In addition to providing enhanced news and weather coverage, WJR serves a variety of needs and interests of the listeners within its service area. WJR serves as the southeast Michigan flagship station for the Michigan State University Spartans' football and basketball teams, as well as the flagship station for the Detroit Lions and the Detroit Lions Radio Network. WJR also provides a vast variety of cultural programming, including "Women Who Lead,"[38] "Travel Michigan,"[39] and "Opportunity Detroit."[40]

WJR also engages in a variety of significant fundraising efforts. During 2018, WJR conducted the Mitch Albom SAY (Super All Year) Detroit Radiothon, a 16-event fundraising drive which raised $1.6 million for the charities of SAY Detroit and other charitable organizations.[41] WJR also participated in the 2018 Salvation Army Bed and Bread Truck event,

[38] WJR's annual "Women Who Lead" campaign seeks female leaders throughout the Great Lakes Region who influence their respective communities in a positive manner. Whether the individual is an executive, small business owner, community organizer or volunteer, WJR seeks out inspiring women that are striving to reach new heights both for themselves and the world around them. Each year, WJR honors 12 outstanding female leaders culminating in its annual Women Who Lead Honoree Ceremony.

[39] Industry professionals from all over the state appear on the "Travel Michigan" program which originates on WJR and airs each weekend on several radio stations across the state of Michigan. The program has an average audience of 45,000 statewide listeners each week.

[40] "Opportunity Detroit" airs every Friday evening from 7:00 p.m. – 8:00 p.m. The program focuses exclusively on Detroit's ongoing revitalization and the relentless efforts of its citizens to reshape the Motor City. The show features prominent business leaders, community advocates, and everyday citizens who are deeply passionate about leading the city's ongoing transformation.

[41] The mission of S.A.Y. Detroit is to improve the lives of Detroit's neediest citizens by providing shelter, food, medical care, volunteer efforts and education. The charitable organization serves as the umbrella organization for ongoing major projects, such as Working Homes/Working Families and the S.A.Y. Detroit Family Health Clinic.

which raised $1.3 million in one day.[42] In addition, WJR sponsored the Paul W. Smith Police Athletic League golf tournament, which raises $600,000 annually, and participated in the "Hunger Free in the D" fundraising event this past year, which earned over $400,000 in 2018.[43]

As a result of WJR's extensive coverage area during both the daytime and nighttime hours, the station regularly receives notes and emails from listeners who reside well outside WJR's protected service area. WJR also frequently receives correspondence from persons who reside in other countries, including Finland, where its signal can frequently be received.

WJR has been frequently recognized for its excellent service. The station regularly receives awards from the Michigan Association of Broadcasting for the outstanding service WJR has provided to Detroit and the surrounding communities. In 2018, WJR received 17 awards from the Michigan Association of Broadcasters.[44] The station also received a total of 22 awards in 2017, including awards for Station of the Year, Breaking News, and Best Newscast.

**WABC(AM), New York, NY.** Station WABC was issued its first license by the FCC on May 12, 1923 and has continued to operate with its original call sign.

WABC's nighttime signal is available to over 92.8 million persons across all or portions

[42] The Salvation Army's Bed & Bread Club Truck drivers make their way through the entire city of Detroit, traveling multiple routes making over 60 stops to feed the hungry.

[43] The 5th annual "Hunger Free in the D" included a breakfast and raised funds for the Capuchin Soup Kitchen and Gleaners Community Food Bank.

[44] Among other awards, WJR received ten (10) awards for presenting the "Best" newscast, commercial, story, etc. in each of the following categories: (i) Breaking News Story – Commercial & Network Radio & TV; (ii) Commercial – Commercial & Network Radio & TV; (iii) Community Involvement – Commercial & Network Radio; (iv) Feature/Use of Medium – Commercial & Network Radio; (v) Investigative Story – Commercial & Network Radio & TV; (vi) Morning Show Broadcast Personality or Team – Commercial & Network Radio & TV; (vii) Play-By-Play Sports – Commercial & Network Radio; (viii) Regularly Scheduled Weekday Broadcast Personality or Team – Commercial & Network Radio; (ix) Regularly Scheduled Weekend Broadcast Personality or Team – Commercial & Network Radio; and (x) Use of New Media – Commercial & Network TV & Radio.

of 17 states,[45] encompassing many sparsely-populated areas and Native American tribal areas.[46]

WABC is an LP-1 and NPWS station for the New York market, and houses FEMA-supplied equipment to remain on the air in the event of an emergency. Specifically, WABC houses and maintains a 250 kW diesel generator with 10,000 gallons of diesel fuel and a satellite phone. FEMA also has deployed a satellite dish and an EAS encoder at WABC's transmitter site in Lodi, New Jersey to distribute emergency information in the event it should become necessary.[47] These essential emergency services are independent from local utilities to ensure their availability in case of an emergency.

WABC works with the New York State Broadcasters Association, the NYC Emergency Management, and other group broadcasters in New York City to test emergency systems on a regular basis.

WABC produces its own local news based on news provided by the Associated Press and Westwood One. From 6:00 a.m. – 12:00 p.m., WABC airs news reports on the hour which include a local weather report and a live traffic report. To enhance its local news coverage, WABC partners with "24/7 News," a New York City-based news service, which has local news editors and anchors that provide the station with live, local newscasts that focus on Tri-State area weather and stories of interest from 12:30 p.m. – midnight. From midnight to 5:00 a.m. each

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[45] There are 92,850,836 persons within WABC's nighttime 0.5 mV/m 50 percent skywave contour which covers all or portions of the following states: Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, Washington, D.C., West Virginia, and portions of Canada. *See* Appendix A annexed hereto.

[46] WABC covers over 16.7 million persons in rural areas with its nighttime 0.5 mV/m 50 percent skywave contour. Appendix A hereto. WABC also covers 295,062 Native Americans with its nighttime 0.5 mV/m 50 percent skywave contour, including 7,449 on Tribal lands. Appendix B hereto.

[47] FEMA also has provided WABC with a ration of ready-to-eat meals and water for the station's staff in the event of an emergency, which also are maintained at WABC's transmitter site.

weekday, WABC airs national news provided by Westwood One. Similarly, on both Saturdays and Sundays, from 6:00 a.m. – 6:00 p.m., WABC airs national news provided by Westwood One as well as a local weather forecast and a local traffic report provided by 24/7 News. WABC therefore provides news and information 24 hours per day Monday – Friday, and 12 hours per day on weekends with each report including both news and weather.

WABC's severe storm information is obtained by the National Weather Service and 24/7 News. The station packages this information into a campaign referred to as "Operation Storm Watch," and encompasses those reports on air, on social media, and on-line via the station's website. WABC also utilizes local meteorologists, who provide the station with timely, updated information on an as-needed basis. If there is hazardous weather in the NYC area, WABC preempts its regular programming and airs "wall-to-wall" coverage of the adverse weather conditions in the Tri-State area.

In addition to its thorough coverage of news and weather, WABC supports a variety of charitable causes each year, including the City Harvest Food Drive[48] and the Hungerthon auction to help the homeless. It also participates in causes designed to provide assistance to children, including those who are ill at Maimonides Hospital in Brooklyn.[49]

[48] City Harvest is a legendary organization in New York City that helps feed the less fortunate by gathering unsold food at area restaurants and delivering it to those who are hungry in the New York City area. WABC has worked with City Harvest for over 15 years to help raise awareness for its charitable programs. As just one example of WABC's efforts to assist City Harvest, WABC has aired approximately 3,000 public service announcements for City Harvest in an effort to support and raise public awareness for City of Harvest's charitable causes.

[49] WABC became involved with Maimonides earlier this year. The station's involvement is part of WABC's continuing effort to raise awareness for the hospital's program to help sick children in Brooklyn and neighboring areas. One of the station's hosts visited sick children at the hospital and presented them with gifts as part of that effort.

WABC has received numerous awards for its outstanding service to New York City and the surrounding Tri-State area. Specifically, the station received awards from the New York Broadcasters Association in 2016 for spot news journalism and public affairs programming. WABC also received seven (7) Gracie Awards for excellence in journalism during the period from 2015 – 2018.

**WLS(AM), Chicago, Illinois.** Station WLS was issued its first license by the FCC on April 11, 1924 and has continued to operate with its original call sign.

WLS' nighttime signal is available to over 98.4 million persons across all or portions of 24 states,[50] encompassing many sparsely-populated areas and Native American tribal areas.[51]

WLS is the NPWS station for the Midwest portion of the country and houses FEMA-supplied equipment to remain on the air in the event of an emergency.

WLS has four (4) full-time and three (3) part-time news anchors and reporters. The station produces two newscasts per hour from 5:00 a.m. – 10:30 p.m., Monday – Friday, which include a traffic report. Additional traffic reports, a total of four each hour, are aired between 5:00 a.m. – 7:00 p.m., Monday – Friday. Two traffic reports also are aired each hour between 7:00 a.m. – 7:00 p.m. each Saturday and Sunday.

WLS' weather information is supplied by The Weather Channel, which provides a combination of live and pre-recorded updates that are aired twice each hour, 24 hours per day.

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[50] There are 98,438,104 persons within WLS' nighttime 0.5 mV/m 50 percent skywave contour which covers all or portions of the following states: Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, West Virginia, Wisconsin, Virginia, and portions of Canada. *See* Appendix A annexed hereto.

[51] WLS covers over 27.2 million persons in rural areas with its nighttime 0.5 mV/m 50 percent skywave contour. Appendix A hereto. WLS also covers 460,869 Native Americans with its 0.5 mV/m 50 percent skywave contour, including 34,045 on Tribal lands. Appendix B hereto.

The station also has access to Weather Channel meteorologists who are on call to provide additional coverage for major weather events in Chicago and the surrounding area.

WLS routinely provides in-depth coverage of important news and community events. As an example, on March 20, 2018, WLS provided continuous coverage of the 2018 Illinois gubernatorial primary from 6:00 p.m. to 11:00 p.m., including an analysis of the final vote counts. In addition, on September 27, 2018 and again on October 6, 2018, WLS preempted its regular scheduled programming to provide live coverage of the U.S. Senate hearings in which Brett Kavanaugh testified before the Senate Judiciary Committee and later was confirmed as a U.S. Supreme Court Justice. On September 27th, WLS provided live coverage of the U.S. Senate hearings from 9:30 a.m. – 6:00 p.m. October 6th, WLS preempted its regular programming from 2:30 p.m. – 4:00 p.m. to provide live coverage of the U.S. Senate confirming Mr. Kavanaugh as a U.S. Supreme Court Judge.

Similarly, on November 26, 2018, an unexpected snow storm created extremely hazardous conditions for Chicago-area commuters. WLS interrupted its regular programming to provide continuous updates, including those provided by the Illinois Department of Transportation. WLS also took on-air calls from listeners who explained the specific conditions they were experiencing on the area roadways. WLS aired the storm coverage from 6:00 a.m. until 9:00 a.m. – the end of the morning commute.

WLS supplements its extensive coverage of news and weather in the Chicago area by routinely engaging in a number of significant fundraising events. For example, on July 14, 2018, one of the station's on-air personalities emptied his storage facility and made the contents available to listeners and other interested parties for the purpose of supporting a local charity. The event raised $30,000 for Bed Plus, a local charitable organization which provides the

homeless with a safe place to sleep, hot homemade meals, professional counseling, and job services for abused women. Moreover, on December 25, 2018 (Christmas Day), WLS broadcast "Home Away From Home," a three-hour special designed to raise awareness and encourage donations in support of the Fisher House Foundation, which builds comfort homes where military and veterans' families can stay at no cost while a loved one is in the hospital.

Prior to engaging in the above fundraising efforts, in April 2015, a powerful tornado ripped through the communities of Fendale/Rochelle, Illinois. While covering the aftermath of the storm the following morning, WLS kicked-off a GOFUNDME campaign with the goal of raising $5,000. WLS was successful, however, in raising over $15,000 which was used by the local community to provide aid to local citizens who had been victimized by the storm.

The outstanding service that WLS has provided to Chicago and the surrounding area has been frequently recognized by the broadcast industry. The station was awarded First Place for Best Newscast by the Illinois Association of Broadcasters in 2013, 2014, and 2015, and received Second Place Awards in both 2016 and 2017.

**KGO(AM), San Francisco, CA.** Station KGO was issued its first license by the FCC on January 22, 1924 and has continued to operate with its original call sign. KGO broadcasts and forwards all AMBER alerts received by the station.

KGO's nighttime signal is available to over 50.8 million persons across all or portions of six (6) states,[52] encompassing many sparsely-populated areas and Native American tribal areas.[53]

[52] There are 50,854,346 persons within the station's nighttime 0.5 mV/m 50 percent skywave contour which covers all or portions of the following states: Arizona, California, Idaho, Nevada, Oregon, Washington, and portions of Mexico. *See* Appendix A annexed hereto.

[53] KGO covers over 3.6 million persons in rural areas with its nighttime 0.5 mV/m 50% skywave contour. Appendix A hereto. KGO also covers 298,003 Native Americans with its nighttime 0.5 mV/m 50% skywave contour, including 33,563 on Tribal lands. Appendix B hereto.

KGO is a news station with six (6) full-time news anchors and traffic reporters, and five (5) part-time news personnel, including an additional reporter. The station airs two locally-produced newscasts each hour from 5:00 a.m. – 7:00 p.m., Monday – Friday. Major news stories that impact the San Francisco Bay Area as well as the northern and central California areas that are produced and aired on KGO also are aired on each of the following commonly-owned radio stations in the San Francisco market: KSFO(AM), San Francisco; KNBR(AM), San Francisco; KFOG(FM), San Francisco; and KSAN(FM), San Mateo. KGO also produces local traffic reports each day from 6:00 a.m. – 7:00 p.m.

In addition to its extensive news coverage, KGO provides coverage of both local and national major catastrophes, including storms, earthquakes and forest fires. As an example, KGO devoted significant news coverage to the "Camp Fire" near Chico, California late last year, which was the deadliest brush fire in the history of the state.[54] KGO not only provided coverage of the fire and the dramatic effects it had on the Chico community and surrounding areas, but the devastating effects the fire had on the air quality and resulting health hazards the fire and smoke had on residents of the San Francisco Bay Area.

KGO serves as the flagship station for the University of California at Berkeley Bears' football and basketball teams, and is the part-time flagship station of the San Francisco 49ers.

KGO traditionally has held an annual on-air fundraiser for World Concern Day, in which it has raised funds for a variety of causes that impact Third World countries. Last fall, KGO was successful in raising over $110,000 in one day. Through fundraising events conducted with

[54] Chico is approximately 150 miles north of San Francisco. KGO also devoted significant talk-show programming to the Chico fire.

other commonly-owned stations in the San Francisco Bay Area during 2017, KGO helped to raise more than $500,000 for fire victims in northern California.

As a result of its vast coverage area, KGO has many listeners call into its various talk show programs on a consistent basis who reside well outside the station's predicted daytime coverage area.

KGO has frequently been recognized by the broadcast industry for its outstanding service to the San Francisco Bay Area. The station previously has won numerous awards, including several Marconi awards for Station of the Year. In addition, in 2014 a KGO reporter received a Mark Twain award from the Associated Press Television-Radio Association for reporting on the 25th anniversary of the Loma Prieta Earthquake during which 63 people were killed in 1989. The previous year the station won a National Edward R. Murrow Award from the Radio, Television News Directors Association for Best Breaking News Coverage. KGO also is proud to have a talk-show host/commentator who is a member of the National Radio Hall of Fame.

**KNBR(AM), San Francisco, CA.** Station KNBR was issued its first license by the FCC on December 19, 1924 and has continued to operate with its original call sign. KNBR broadcasts all AMBER alerts received by the station.

KNBR's nighttime signal is available to over 54.5 million persons across all or portions of seven (7) states,[55] encompassing many sparsely-populated areas and Native American tribal areas.[56]

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[55] There are 54,506,565 persons within the station's nighttime 0.5 mV/m 50 percent skywave contour which covers all or portions of the following states: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and portions of Mexico. *See* Appendix A annexed hereto.

[56] KNBR covers over 3.4 million persons in rural areas with its nighttime 0.5 mV/m 50 percent skywave contour. Appendix A hereto. KNBR also covers 374,727 Native Americans with its nighttime 0.5 mV/m 50 percent skywave contour, including 57,674 on Tribal lands. Appendix B hereto.

KNBR airs four (4) "Business News" reports each day during morning drive time, and three (3) additional reports during mid-day. In airing those reports, KNBR utilizes the news staff of commonly-owned station KGO which operates out of the same studio. In addition, KNBR has access to, and broadcasts, all major news stories aired on station KGO. KNBR also airs all traffic reports that are broadcast on KGO each day from 6:00 a.m. – 7:00 p.m.

For weather coverage, KNBR utilizes the services of a meteorologist of a local Fox television affiliate prior to any major storm.

KNBR serves as the flagship station of both the San Francisco Giants and the San Francisco 49ers. The station produces live on-air auctions annually to raise money for the charitable foundations of both the San Francisco Giants and the San Francisco 49ers. Like station KGO, KNBR has many listeners call into its various talk show programs on a consistent basis who reside well outside the station's predicted daytime service area.

**KAAY(AM), Little Rock, AR.** Station KAAY was granted its first license on December 19, 1924 and continues to operate with its original call sign.

KAAY's nighttime signal is available to over 33.2 million persons across all or portions of 14 states,[57] encompassing many sparsely-populated areas and Native American tribal areas.[58]

KAAY is an LP-1 and NPWS station, and currently is on a waiting list for a new portable studio and backup transmitter, both of which will be provided by FEMA. Station representatives are currently working with the statewide coordinator on an updated Arkansas EAS plan.

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[57] There are 33,226,111 persons within the station's nighttime 0.5 mV/m 50 percent skywave contour which covers all or portions of the following states: Alabama, Arkansas, Florida, Illinois, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Wisconsin, and portions of Belize, Cuba, Guatemala, and Mexico. *See* Appendix A annexed hereto.

[58] KAAY covers over 9.6 million persons in rural areas with its nighttime 0.5 mV/m 50 percent skywave contour. Appendix A hereto. KAAY also covers 349,597 Native Americans with its nighttime 0.5 mV/m 50 percent skywave contour, including 30,100 on Tribal lands. Appendix B hereto.

KAAY is the only station in the state of Arkansas that covers the entire state. The station is located approximately fifty (50) miles from Arkansas Nuclear One, a pressurized water reactor nuclear power plant located on Lake Dardanelle outside Russellville, Arkansas. KAAY monitors and forwards the seldom used nuclear warnings on the EAS.

KAAY shares studio facilities with commonly-owned station KARN-FM, Sheridan, Arkansas, a news/talk station that is home to the Arkansas Radio Network ("ARN"). The primary focus of the ARN is the Central Arkansas/Arkansas news, which is geared toward those municipalities in which it has affiliates. The ARN news team has a partnership with the local Fox affiliate in Little Rock (KLRT-TV) which, in turn, is partnered with and shares a news staff with the local NBC affiliate in Little Rock (KARK-TV).

In addition to the services referenced above, KAAY carries Division II college football during the fall. As a result of its extensive coverage area, KAAY often receives favorable feedback regarding its Christian teaching and music programming from its listeners who reside well outside the station's predicted coverage area with respect to both the strength and clarity of the station's signal, including one listener who resides in Petäjävesi, Central-Finland. KAAY's loyal listening audience frequently call and write to inform the station how much they appreciate the content of KAAY's programming.

## V. Conclusion.

As demonstrated herein, the adoption of the Commission's proposals to reduce the protections afforded to Class A AM stations, including those which serve as NPWS stations, would frustrate Congressional intent in enacting the IPAWS Modernization Act and substantially impair FEMA's ability to implement that important statutory legislation. Moreover, by substantially reducing the service contours of Class A AM stations, especially their nighttime

skywave contours, the Commission's proposals would have a significant and harmful effect on state EAS plans and thereby raise significant concerns regarding public safety throughout the country.

Further, by reducing the protection of Class A AM stations so that they no longer would be able to provide service to rural and Tribal areas, the Commission's proposals, if adopted, would place those Americans living in rural and Tribal areas at an even greater disadvantage with respect to obtaining "education, healthcare, government services, and civic participation,"[59] some of the most fundamental entitlements enjoyed by their fellow Americans. Indeed, because those individuals no longer would be able to receive nighttime skywave service from Class A AM stations, unlike the 97.9% of Americans who live in urban areas and thus have immediate access to broadband, the Commission would have severed the ability of those persons living in rural and Tribal areas to receive news, weather, informational programming, and emergency-related warnings in a timely manner.

As shown herein, Cumulus' Class A AM stations provide a variety of news, weather, informational programming, and emergency-related alerts that serve important public interest objectives. Indeed, the high quality of service provided by Cumulus' Class A AM stations to their respective regions exemplifies the type of service the Commission has always envisioned that Class A stations should provide across wide regions of the country. Cumulus' Class A AM stations provide an invaluable service not only to their immediate communities of license, but as demonstrated herein, to listeners well beyond their respective communities, including many in rural and Tribal lands which provide substantial public interest benefits.

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[59] *See Broadband Report*, 33 FCC Rcd at 1741 (dissenting statement of former Commissioner Clyburn).

For all of these reasons, the proposals to reduce protections to Class A AM stations would not serve the public interest and, therefore, should not be adopted.

Respectfully submitted,

CUMULUS MEDIA INC.

By: /s/ Andrew S. Kersting
Andrew S. Kersting

Regulatory Counsel

February 6, 2019

**APPENDIX A**

# Nighttime Population Coverage

**APPENDIX A**

## Class A AM Nighttime Population Coverage

| | 2016 U.S. Census Estimate – Population Within Night Contour | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 0.5 mV/m 50% Skywave Contour | | | 0.5 mV/m Groundwave Contour | | | 0.5 mV/m 50% Skywave Contour less 0.5 mV/m Groundwave Contour | 0.5 mV/m 50% Skywave Contour less 0.5 mV/m Groundwave Contour |
| | Total Population | Urban Area Population | Rural Area Population | Total Population | Urban Area Population | Rural Area Population | Total Population Loss | Rural Area Population Loss |
| WABC | 92,850,836 | 76,057,694 | 16,793,142 | 29,105,549 | 27,815,538 | 1,290,011 | 63,745,287 | 15,503,131 |
| WJR | 126,598,226 | 98,028,511 | 28,569,715 | 17,687,425 | 14,146,312 | 3,541,113 | 108,910,801 | 25,028,602 |
| WLS | 98,438,104 | 71,154,785 | 27,283,319 | 15,736,314 | 14,024,712 | 1,711,602 | 82,701,790 | 25,571,717 |
| KAAY | 33,226,111 | 23,608,223 | 9,617,888 | 1,030,058 | 659,744 | 370,314 | 32,196,053 | 9,247,574 |
| WBAP | 66,519,709 | 50,236,784 | 16,282,925 | 14,013,011 | 11,477,893 | 2,535,118 | 52,506,698 | 13,747,807 |
| KGO | 50,854,346 | 47,189,050 | 3,665,296 | 14,236,527 | 13,275,898 | 960,629 | 36,617,819 | 2,704,667 |
| KNBR | 54,506,565 | 51,068,252 | 3,438,313 | 15,078,081 | 13,952,783 | 1,125,298 | 39,428,484 | 2,313,015 |

**APPENDIX B**

## Native American Nighttime Coverage

**APPENDIX B**

## Class A AM Native American Nighttime Population Coverage

| | 2016 U.S. Census Estimate – Population Within Night Contour | | | | | |
|---|---|---|---|---|---|---|
| | 0.5 mV/m 50% Skywave Contour | | 0.5 mV/m Groundwave Contour | | 0.5 mV/m 50% Skywave less 0.5 mV/m Groundwave Contour | 0.5 mV/m 50% Skywave less 0.5 mV/m Groundwave Contour |
| | Total Native American Population | Native American Population on Tribal Reservations | Total Native American Population | Native American Population on Tribal Reservations | Total Native American Population Loss | Native American Population Loss on Tribal Reservations |
| WABC | 295,062 | 7,449 | 52,124 | 10 | 242,938 | 7,439 |
| WJR | 402,174 | 23,256 | 48,539 | 344 | 353,635 | 22,912 |
| WLS | 460,869 | 34,045 | 31,272 | 0 | 429,597 | 34,045 |
| KAAY | 349,597 | 30,100 | 4,656 | 0 | 344,941 | 30,100 |
| WBAP | 690,178 | 48,707 | 177,718 | 0 | 512,460 | 48,707 |
| KGO | 298,003 | 33,563 | 65,732 | 815 | 232,271 | 32,748 |
| KNBR | 374,727 | 57,674 | 73,046 | 836 | 301,681 | 56,838 |